Senator Feinstein To Introduce New Orange Card Immigration Plan

-Aims to Establish a More Realistic, Enforceable Program-

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Washington, DC – U.S. Senator Dianne Feinstein (D-Calif.) today proposed creating a new "orange card" program to establish a more realistic process by which undocumented immigrants would be able to seek an adjustment of status as long as they meet stiff eligibility requirements, pass criminal and national security background checks, pay a fine, continue to work and learn English.

"Today, 10 to 12 million people are in this country illegally and live and work below the radar screen. Their lives are clandestine and therefore subject to exploitation," Senator Feinstein said. **"At the same time, employers who hire them are infrequently sanctioned, and when they are, there is a backlash against the penalties."**

"The challenge is to find a way to stop the flow of these people into the United States through a much more effective border security program, and at the same time enable these people, many of whom are long-time residents, hard workers and with American-born children, to be able to enter a path toward legal status. But I have serious concerns about the workability, practicality, and real-world impact of the three-tiered system in the Hagel-Martinez compromise."

The Hagel-Martinez plan, which was never voted on by the Senate, creates a tiered system where those here less than two years are subject to deportation; and, those here from 2 to 5 years must return to their country and get themselves into a guest-worker program. It is estimated that approximately 2 million people have been here for two years or less; and, approximately 2.8 million from 2 to 5 years.

"This means approximately 4.8 million people would be required to leave voluntarily or be deported," Senator Feinstein said. **"I don't believe many of these people would go home. Even President Bush acknowledged that such a large scale deportation program is unworkable when he said, 'It is neither wise, nor realistic to round up millions of people . . . and send them across the border.'"**

"Additionally, for those people who have been here for 2 to 5 years, and are seeking to return to the country and work, they will have to qualify under one of the visa programs to be able to re-enter the United States."

"I believe we must create a more realistic and enforceable process. That is why I am introducing an amendment to eliminate the three-tier process created by the Hagel-Martinez compromise and replace it with an 'orange card' program," Senator Feinstein said.

Senator Feinstein's amendment would require undocumented immigrants to immediately register with the Department of Homeland Security and submit finger prints for criminal and national security background checks. Once these individuals passed the background checks, they could apply for an orange card. This would require demonstration of their presence in the U.S. and work history, an understanding of English and U.S. history and government, and payment of back taxes and a $2,000 fine. Applicants would need to work for at least six more years before being eligible to adjust their status. And the applicants would have to wait for adjustment until after those currently in line to get green cards.

"How we deal with the current undocumented population is especially important to me because of the enormous impact it will have and is having on my home state of California," Senator Feinstein said. **"If we don't get it right, we will end up repeating mistakes of the past… we will simply create new incentives for illegal immigration… and we will enhance the problems our country now faces in tracking who is coming and going across our borders."**

Here is how the Orange Card program would work:

First step of the program:
- All undocumented aliens who are in the United States as of January 1, 2006, would be required to immediately register a preliminary application with the Department of Homeland Security.
- At the time of their registration they would also submit finger prints at the U.S. Customs and Immigration Services facility, so that criminal and national security back ground checks could commence immediately.

This would protect against a rush to cross the border since the date has already passed, but also eliminate the difficult documentation requirements of trying to prove exactly how long an individual has been in the United States. And it would also create an easier "registration" system that would allow the immediate inflow of information to DHS to be processed electronically, which is what we have been told, is essential to ensuring DHS can handle the new workload. This would just be the first step and it would give the Department time to vet the application in through an orderly process.

Second step of the program:
- These individuals would submit a full application for an orange card in person by providing the necessary documents to demonstrate their work history and the presence in the United States.
- Their application would also require that they:
  - pass a criminal and national security background check that would be carried out

based on the information and fingerprints from the pre-application;
- o demonstrate an understanding of English and U.S. history and government as required when someone applies for their citizenship;
- o have paid their back taxes; and
- o pay a $2000 fine. (The money from this fine would go be used to cover the costs of administering the program.)

These requirements also comply with previous amendments passed on the floor of the Senate during this debate, such as the Kyl and Vitter amendments.

If their application is approved, each individual would be issued an orange card that would be an encrypted with a machine-readable electronic identification strip that is unique to that individual.

The orange card itself would contain biometric identifiers, anti-counterfeiting security features, and an assigned number that would place them at the end of the current line to apply for a green card. In addition, the assigned number would correspond to the length of time that they have been in the United States, so that those who have been here the longest would be the first to follow those currently waiting to adjust their status.

The orange card would allow individuals to remain in the U.S. legally, work, and travel in and out of the country. It would be a fraud-proof identifier complete with a photo and fingerprints.

Third step of the program:
- On an annual basis, each individual who applies for an "orange card" must submit to DHS documentation either electronically or by mail that shows:
    - o they have been working in that year,
    - o they have paid their taxes,
    - o they have not been convicted of any felony or misdemeanor, and
    - o they would have to pay a $50 processing fee.

By requiring this annual reporting to DHS this amendment will ensure that individuals who apply to this program, remain productive and hard-working members of their communities. These individuals must work for at least six more years before they may adjust their status, but from what we know about the numbers and the backlog, it is much more likely that they will have to work for an additional 8 to 12 years before the process is completed.

By including these prospective requirements, the orange card amendment ensures that only individuals who deserve to adjust their status may become legal permanent residents. In addition, by focusing on prospective requirements this amendment streamlines the process and helps avoid the bureaucratic morass that has been created other times that Congress has acted.

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